

House File 2572

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HOUSE FILE 2572

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1 3 AN ACT
1 4 RELATING TO THE PROCEDURES AND DUTIES OF THE CLERK OF THE
1 5 DISTRICT COURT AND THE JUDICIAL BRANCH, AND PROVIDING FOR A
1 6 FEE.
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1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 Section 1. Section 305.2, subsection 1, Code Supplement
1 11 2003, is amended to read as follows:
1 12 1. "Agency" means any executive or legislative branch
1 13 department, office, commission, board, or other unit of state
1 14 government except as otherwise provided by law.
1 15 Sec. 2. Section 321.174, subsection 3, Code 2003, is
1 16 amended to read as follows:
1 17 3. A licensee shall have the licensee's driver's license
1 18 in immediate possession at all times when operating a motor
1 19 vehicle and shall display the same, upon demand of a judicial
1 20 magistrate, district associate judge, district judge, peace
1 21 officer, or examiner of the department. However, a person
1 22 charged with violating this subsection shall not be convicted
1 23 if the person produces in court, within a reasonable time, to
1 24 the clerk of the district court, prior to the licensee's court
1 25 date indicated on the citation, a driver's license issued to
1 26 that person and valid for the vehicle operated at the time of
1 27 the person's arrest or at the time the person was charged with
1 28 a violation of this section.
1 29 Sec. 3. Section 602.8101, subsection 3, Code 2003, is
1 30 amended to read as follows:
1 31 3. The clerk may employ ~~deputies, assistants, and clerks~~
1 32 ~~staff~~ when authorized under section 602.1402 and when
1 33 authorized by the chief judge of the judicial district. The
1 34 clerk is responsible for the acts of these employees. ~~Each~~
1 35 ~~first deputy. The clerk shall designate one or more employees~~
2 1 ~~who shall give bond as provided in chapter 64.~~
2 2 Sec. 4. Section 602.8102, subsections 13 and 57, Code
2 3 Supplement 2003, are amended by striking the subsections.
2 4 Sec. 5. Section 602.8104, subsection 2, paragraph j, Code
2 5 2003, is amended by striking the paragraph.
2 6 Sec. 6. Section 602.8106, subsection 1, Code Supplement
2 7 2003, is amended by adding the following new paragraph:
2 8 NEW PARAGRAPH. g. For a motion to show cause in a
2 9 criminal case, the fee shall be the same amount as the fee for
2 10 filing and docketing a complaint, information, or citation for
2 11 the underlying criminal case from which the motion arises.
2 12 Sec. 7. Section 633.31, subsection 2, paragraph i, Code
2 13 2003, is amended to read as follows:
2 14 i. For certifying change of title ~~10.00~~
2 15 20.00
2 16 Sec. 8. Section 635.7, Code Supplement 2003, is amended to
2 17 read as follows:
2 18 635.7 REPORT AND INVENTORY == EXCESS VALUE AND
2 19 TERMINATION.
2 20 The executor or administrator is required to file the
2 21 report and inventory for which provision is made in section
2 22 633.361. Nothing in sections 635.1 to 635.3 shall exempt the
2 23 executor or administrator from complying with the requirements
2 24 of section 422.27, 450.22, 450.58, ~~or 633.480, or~~ 633.481. If
2 25 the inventory and report shows assets subject to the
2 26 jurisdiction of this state which exceed the total gross value
2 27 of the amount permitted the small estate under the applicable
2 28 provision of section 635.1, the clerk shall terminate the
2 29 letters issued under section 635.1 without prejudice to the
2 30 rights of persons who delivered property as permitted under
2 31 section 635.3. The executor or administrator shall then be
2 32 required to petition for administration of the estate as
2 33 provided in chapter 633.
2 34 Sec. 9. Section 636.13, Code 2003, is repealed.
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CHRISTOPHER C. RANTS
Speaker of the House

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JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2572, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor